UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,120	05/14/2001	Andreas Wagner	P01,0094	9054

7590	08/18/2005

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EXAMINER
BASS, JON M

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/855,120	WAGNER ET AL.
	Examiner	Art Unit
	Jon Bass	3639

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/14/2001*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Response to Amendment

1. This is in response to an amendment filed on May 16, 2005. In the
    amendment, claims 1, 8 and 10 have been currently amended. Claims 1-11
    are pending in this letter of re-consideration.

Response to Arguments

2. Applicant's arguments filed on May 16, 2005 have been fully considered but
    they are not persuasive.

3. Applicant's argues that the prior art fails to teach the inventive concept of
    authenticating a printer unit in commissioned postage meter. The examiner
    respectfully disagrees with the applicants characterization of the prior art's
    inventive concept. Pauschinger teaches that communication is directed to a
    data center (which is USPS, FED EX, etc) that comprises a central data bank.
    Pauschinger also teaches steps of formation and transmission for data
    including verification of communicated data. Additionally, Pauschinger also
    explains that a secret private key, (which is a unique code) is used in the
    transmission of the verified data, (explained in further detail within the
    Abstract). Pauschinger further explains the mechanism, also known as the
    franking unit, which is used to check the authenticity of the communication.
    A public key is thereby employed, further explained in (column 5, lines 48-
    50). Pauschinger descriptively explains that in figure 1, a data center is
    communicatively connected via a communication network 40 to a postage
    meter machine and to an inspection point, for example the post office,

located in (column 5, lines 1-5). One skilled in the art at the time would be able to decipher Pauschinger views as those dealing with authentication process in conjunction with the verification of data while adjunct to a printer unit. Pauschinger adds that whereby the request data comprise the identification data, (column 6, lines 50-51). Pauschinger additionally adds that postage security device for encryption is utilized therein in the postage meter machine itself, which is being inventively omitted, (column 6, lines 33-35). The printer that is described by the applicant has the same capabilities as the printer and the franking unit as asserted by Pauschinger. The examiner interrupted Pauschinger invention, as would any one skilled in the art of the time the invention was created.

4. The applicant argues that the invention created by Pauschinger is not in possession by the public as his vital point for determining the separation of the two inventions . The Examiner respectfully acknowledges this concerned by the applicant but respectfully disagrees. One with understanding of the invention by Pauschinger at the time of the invention would understand that although Pauschinger doesn't explicitly direct his attention to the invention being in the possession of the public but one can interpret that this would be incorporated in the invention without directly mentioning the step. Therefore allowing public access to the printer or the postage meter machine is within reason with the invention. In conclusion claims 1 and any other dependent claims connected to claim one remain as being unpatentable under Pauschinger.

5. Again the examiner would like to note that all claims and amendment claims were taking into consideration while completing letter. The examiner acknowledges all steps taken to further this process but the examiner still continues to rely on Pauschinger's invention to demonstrate all claim factors.

6. Below is a complete rejection to the claims and the amended claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-11 are** rejected under 35 U.S.C. 102(b) as being anticipated by Dieter Pauschinger et al. (US Patent Number 6,523,014) hereinafter referenced as (Pauschinger).

As for Claim 1:

(Amended): Pauschinger discloses a method and system enabling a postage meter machine (fig1; element 10; postage meter machine) for franking postal (col.3; lines 36-38, franking unit) matter comprising the steps of:

providing a base unit (fig 1; element 17 and 20; data center and printer)with a printer unit,

said printer unit, ({fig 1, 17,30}, printer, franking unit); having an identification code, for

printing franking imprints (col. 6, lines 65-67; franking imprints) on postal matter respectively

representing monetary values that are debited in an accounting unit (col. 5; lines 20-22,

accounting and debiting) in said meter;

   coupling said base unit to a meter to form a postage meter machine;

after coupling said meter and base unit, and before initialization of said postage meter

machine, establishing communication between said postage meter machine and a data center (fig

1, element 10 and 22; postage meter machine and data center)'remote from said postage meter

machine and transmitting said identification code from said postage meter machine to said data

center;

at said data center, evaluating said identification code and, if said identification code is valid,

transmitting an enable code from said data center to said postage meter machine; ·

and allowing said postage meter machine to frank postal items only after said enable code is

transmitted to said postage meter machine (col.4, lines 1-6; franking imprints transmits data to

the center for franking).

As for Claim 2:

Pauschinger discloses a method and system comprising providing said printer unit (fig 1;

element 17, printer) with a serial number (data) and using said serial number as said

identification code (col.3; lines 48-50, identification data).

As for Claim 3:

Pauschinger discloses a method and system comprising assigning said serial number to

said printhead upon manufacture of said print head, and storing said serial number in an

electronic memory associated with said print-head (col.4; lines 1-7, identification data stored)

and (fig 1; element 13; memory).

As for Claim 4:

Pauschinger discloses a method and system comprising, after establishing communication

between said postage meter machine and said data center, (fig1; element 10 and 22, postage

meter machine and data center) executing a remote re-crediting between said postage meter

machine and said data center with an additional data transmission for transmission of said

identification code (col.4; lines 1-19; transmitted requested identified data for verification).

As for Claim 5:

Pauschinger discloses a method and system comprising storing said identification code at

said data center (fig 1; element 20, date center) allocated to additional data (fig 1; element 23,

additional data) selected from the group consisting of customer data, postage meter machine data

and time data (col.5, lines 45-50; postal address stored in data bank).

As for Claim 6:

Pauschinger discloses a method and system comprising tracking a location of said base

unit said printer unit (fig1, element 17; printer) at said data center (fig 1, data center) dependent

on said identification code (identification data) transmitted to said data center.

As for Claim 7:

Pauschinger discloses a method and system comprising cryptographically encrypting

(col.6, lines 8-10; data to be encrypted) said transmission between said postage meter machine

and said data center (transmission of postage meter machine and data center).

As for Claim 8:

(Amended): Pauschinger discloses a method and system franking postal items,

comprising:

a postage meter machine comprising a meter coupled to a base unit (fig 1, element 10, postage

meter machine with a unit), with a printer unit (fig 1, element 17, printer unit) in communication

with said meter for producing franking imprints (col.3, lines 65-66; authentic franking imprints)

on postal items with respective values of said franking imprints being debited in an accounting

unit in said meter (col. 5, lines 20-23; accounting or debiting data), said printer unit having a

unique, ({col.8, lines 64-67}; identification data) identification code;

a data center located remote from said postage meter machine; said postage meter machine

having a communication arrangement which, after coupling said meter to said base unit, a before

commissioning, {communication} of said postage meter machine, ({col.4, line 34},postage

meter machine);establishes communication with said data center and transmits said identification

code to said data center (col. 6, lines 49-53; communications with data center);

an evaluation arrangement at said data center for evaluating said identification code and, if

said evaluation code is valid, for transmitting an enable code from said data center to said

postage meter machine (fig 1, element 10, postage meter machine);

and enabling circuitry in said postage meter machine for enabling said printer unit to generate

said franking imprints (col.3, lines 65-66; authentic franking imprints) only after said postage

meter machine receives said enable code.

As for Claim 9:

Pauschinger discloses a method and system wherein said data center includes a memory

(col.6, lines 43-45; programmed in memory) for storing said identification code allocated to

further data, selected from the group consisting of customer data, postage meter machine data

and time data (col.6, lines 46-47; specific recipients data stored).

As Per Claim 10:

(Amended): Pauschinger discloses a method a system as <u>wherein said data center, ({col.4,</u>

<u>line 34}; data center), associates said identification code with a location of said printer unit</u>

<u>having said identification code, ({col.8, lines 64-67}; identification data) and</u> wherein said data

center includes a tracking unit for tracking a location of said base unit and said printer unit

dependent on <u>the communication established with</u> said data center, ({col.4, lines 34-35};

communication with the data center), and for detecting tampering at said postage meter machine

<u>if the location of the printer unit dependent on said communication deviates from said location</u>

associated with said identification code, ({col.4, lines 34-35}; communication with the data

center).

As for Claim 11:

Pauschinger discloses a method and system comprising: a base unit; a meter coupled to

said base unit and a printer unit in communication with said meter, said printer unit (fig 1,

element 17; printer) producing franking imprints (col.3, lines 65-66, franking imprints) on postal

items with respective franking values debited in an accounting unit (col.5, lines 20-22;

accounting or debiting) in said meter, said printer unit having an identification code (col.3, lines

48-50; identification data); a communication arrangement adapted to establish communication

between said postage meter machine and a data center (col. 6, lines 49-53; communications with

data center); remote therefrom which, after coupling said base unit and said meter and before

initialization of said meter, transmits said identification code to said data center (col.6, lines 49-

53; communications with data center);; and an enabling circuit allowing said printer unit to

generate said franking imprints (col.3, lines 65-66, franking imprints) only after receipt of an

enable code at said postage meter machine from said data center in response to transmission of

said identification code.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry comcerning this communication or earlier communication from the examiner should be directed to Jon Bass whose telephone munber is 571-272-6905. The examiner can normally be reached Monday through Friday 9-6pm.
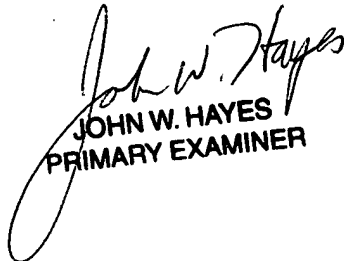
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on 571-272-6708.

12. Any response to this action should be mailed to

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

JOHN W. HAYES
PRIMARY EXAMINER